

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAMANTHA GARCIA, on behalf of S.S.,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

22-CV-7170 (LTS)

ORDER

LAURA TAYLOR SWAIN, United States District Judge:

Plaintiff brings this action *pro se*. By order dated September 7, 2022, the Court granted Plaintiff 60 days' leave to file an amended complaint showing that she exhausted her administrative remedies with the Social Security Administration before filing this action in federal court, or to allege facts showing that her failure to exhaust administrative remedies should be excused. (ECF 5.) On October 24, 2022, the Court received a letter from Plaintiff requesting an extension of time to file an amended complaint. The Court grants Plaintiff's request for an extension of time. Plaintiff must submit the amended complaint within 30 days of the date of this order. If Plaintiff fails to comply within the time allowed and cannot show good cause to excuse such failure, the Court will dismiss the action without prejudice to Plaintiff filing a new action after she has exhausted her administrative remedies.

CONCLUSION

The Court grants Plaintiff's request for an extension of time to file an amended complaint. Plaintiff is directed to submit an amended complaint within 30 days of the date of this order.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an

appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: October 25, 2022
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge